

# DUTY AND STANDARD OF CARE

## *HOW THE COURTS HAVE VIEWED IT*

### INDIANA

*What constitutes due care...of school children depends largely on the circumstances, such as the number and age of the students..., the activity in which they are engaged, the period for which they are left without supervision, the ease of providing some alternative means of supervision, and the extent to which the school board has provided and implemented guidelines and resources to insure adequate protection. Miller v. Griesel, 308 N.E. 2d 701 (Ind. Sup. Ct. 1973)*

### WISCONSIN

*It does not seem inherently unreasonable to expect that teachers will be present in classes in which they are entrusted to teach. This should not, of course, mean that a teacher who absents himself from a room is negligent as a matter of law. As this court said, the teacher's duty is to use reasonable care. Civillo v. Milwaukee, 460 N.W. 2d 34 (Wis. Sup. Ct. 1967)*

### CALIFORNIA

*The standard of care imposed upon school personnel in carrying out this duty to supervise is identical to that required in the performance of their other duties. This uniform standard to which they are held is the degree of care which a person of ordinary prudence, charged with comparable duties, would exercise under the same circumstances. Daily v. Los Angeles Unified School District, 470 P. 2d 360 (Calif. Sup. Ct. 1970)*